

Michael Crooker #33268
CCI MacDougall
1153 East St. South
Suffield, CT 06080
November 1, 2006

Richard Rinaldi, USPO
U.S. Probation Office
1550 Main Street
Springfield, MA 01103

Re: USA v. Crooker, CR-04-30034-MAP

Dear Sir:

I now have your Third Revised Presentence Report under a cover letter dated October 25, 2006.

Since I am not sure if I even have an attorney at this moment, it is requested that you respond to the following objections directly to me.

Par. (14)(Line 6) -- There is no such provision as 18 U.S.C. §921(c). What they mean is 18 U.S.C. §921(a)(3)(C).

Par. (23)(28)(30)(32)(33)(52)(104) -- Appendi issue. Enhancing me from regular ACCA to Super-ACCA (Criminal History Category IV to VI and Offense Severity from 33 to 34) is improper because there was never an allegation in the indictment, or a finding by the jury that the "generic firearm" with which I was tried for was of the type listed in 26 U.S.C. §5845(a). The jury was confused and after 8 hours of deliberation asked for a better definition of firearm, that the judge refused to provide. The defense's request for a jury instruction that an air rifle was not a firearm was also refused and this could have caused the jury to find me guilty based upon the air rifle and not on the air rifle sound muffler. There was extensive evidence presented that the air rifle could shoot through steel, had power and velocity characteristics superior to some gunpowder firearms, and shot huge slugs that were introduced. The jury could have mistakenly thought that a violent discharge of compressed air might constitute "expelling a projectile by the action of an explosive." The 19 pages of Jury Instructions does not even mention the words "airgun" or "air rifle."

Par. (44)(47)(50)(51) -- Consolidation issue. Welfare fraud (44) and Credit Card Fraud (47) are based upon the same arrest date, were consolidated for disposition, and resulted in sentences concurrent with one another. While being arrested on an outstanding warrant for welfare fraud on July 16, 1984 credit cards in the name of Michael Robinson were found resulting in further fraud charges.

Exh. 4

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Par. (36) -- It was Los Angeles County Superior Court at Long Beach, not Superior Court, Los Angeles. It was Long Beach PD, not Los Angeles Sheriff's Office. See FBI Rap Sheet.

Par. (39) -- It was "Committed in lieu of \$100 Fine," not Time Served. See FBI Rap Sheet.

Par. (49) -- It still says \$73,377 restitution when that was a mistake and was later vacated by Judge Tauro.

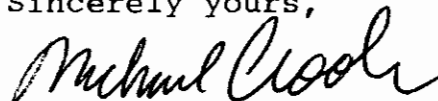
Par. (73) -- It was February, 1991, not April, 1991.

Par. (94) -- Plus approximately \$100 per week in unreported tips.

Par. (114) -- If the Special Assessment is not waived I am requesting that it be court-ordered that I do not have to pay it unless this case is affirmed on appeal.

I look forward to your response.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael Crooker". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Crooker".

Michael Crooker, pro se

cc: Kevin O'Regan, AUSA
U.S. Attorneys
1550 Main Street
Springfield, MA 01103

Vincent Bongiorno, Attorney
95 State St., #309
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